

REMARKS:

The above amendments and following remarks are responsive to the points raised in the August 12, 2004 non-final Office Action. Upon entry of the above amendments, Claims 1, 4, 6, 8, 10, 12, 18, and 19 will have been amended, Claim 2 will have been canceled, and Claims 1 and 3-39 will be pending. Claims 4, 5, 7, 9, 13-15, 18-20, and 23-39 have been withdrawn from further consideration as being directed to independent and distinct non-elected Species. The above amendments to withdrawn Claims 4, 18, and 19 were made to correct formal matters at this time, should the Examiner rejoin these claims, which ultimately depend upon Claim 1. No new matter has been introduced. Entry and reconsideration are respectfully requested.

Response to Rejection under 35 U.S.C. § 102(b)

Claims 1 and 3 have been rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent 6,249,317 B1 to Hashimoto et al. (Hashimoto). Applicant traverses this rejection.

As set forth below, the Examiner has indicated the allowability of the subject matter introduced in original dependent Claims 2, 6, 8, 10-12, 16, 17, 21, and 22 if rewritten in independent form and including all of the limitations of the base claim and any intervening claim. In the interest of expediting the prosecution of the present application, Applicant has amended independent Claim 1 to include the limitations introduced in objected to original dependent Claim 2. On this basis, newly amended Claim 1 is distinguished over Hashimoto. Rejected dependent Claim 3 is likewise distinguished over Hashimoto for at least the same reasons as amended Claim 1. Furthermore, withdrawn dependent Claims 4, 5, 9, 13-15, 18-20, and 23-36 are likewise distinguished over Hashimoto for at least the same reasons as amended Claim 1. Accordingly, the rejection under 35 U.S.C. § 102(b) should be withdrawn.

Withdrawn Dependent Claims

Dependent Claims 4, 5, 7, 9, 13-15, 18-20, and 23-39 have been withdrawn from further consideration, as being directed to independent and distinct non-elected Species. These withdrawn dependent claims, however, ultimately depend upon generic Claim 1, which, as discussed above, has been amended to include the subject matter introduced in objected to dependent Claim 2. On this basis, the subject of these withdrawn dependent claims are allowable for at least the same reason as their now allowable amended generic base Claim 1 and thus should be rejoined and allowed. The above amendments to withdrawn Claims 4, 18, and 19 were made to correct formal matters at this time, should the Examiner rejoin these claims, which ultimately depend upon Claim 1.

Accordingly, Applicant respectfully requests that withdrawn dependent Claims 4, 5, 9, 13-15, 18-20, and 23-36 be rejoined and allowed.

Allowable Subject Matter

Claims 2, 6, 8, 10-12, 16, 17, 21, and 22 have been objected to by the Examiner as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As discussed above, the subject matter introduced in objected to Claim 2 has been included in amended Claim 1. Likewise, objected to dependent Claims 6, 8, 10, and 12 have been rewritten in independent form including all of the limitations of original base Claim 1.

CONCLUSION

Applicant respectfully submits that the application is in condition for allowance and a notice to that effect is earnestly solicited.

AUTHORIZATION

The Commissioner is hereby authorized to charge any fees which may be required for filing this Amendment and Request for Reconsideration to Deposit Account No. 13-4500, Order No. 1232-4641.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: November 9, 2004

By: 

Brian W. Brown

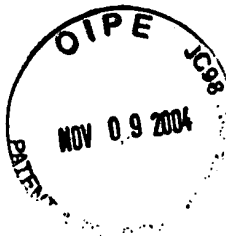
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